



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/796,395

03/09/2004

Jong-Won Seo

678-1196

1888

66547 7590 11/26/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER

ZHANG, SHIRLEY X

ART UNIT

PAPER NUMBER

2444

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,395

Applicant(s)

SEO, JONG-WON

Examiner

SHIRLEY X. ZHANG

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This final office action is prepared in response to the applicant's amendments and arguments filed on August 28, 2008 as a reply to the non-final office action mailed on May 28, 2008.

Claims 1, 8 and 13 have been amended;

Claims 1-18 are now pending;

Response to Arguments

Applicant's arguments and amendments filed on August 28, 2008 have been carefully considered but deemed unpersuasive in view of the following new grounds of rejection as explained herein below, necessitated by Applicant's substantial amendments to the claims which significantly affected the scope thereof, and will require further search and consideration.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1, 8 and 13** are rejected under 35 U.S.C. 102(c) as being anticipated by Riikonen et al (US 2003/0123488, hereinafter "**Riikonen**").

Regarding claim 1, Riikonen disclosed a method of starting an application program of a mobile terminal having a data terminating function, the method comprising the steps of:

receiving a call establishment request for data termination (Riikonen, [0007-0008], “SIP Invite”);

establishing a data call according to the call establishment request (Riikonen, [0007-0009] and [0015]);

determining the type of service specified by an application program starting message when the application program starting message is received after the call is established (Riikonen, [0007], “MIME type”), and

automatically starting an application program corresponding to the determined type of service (Riikonen, [0007-0009], it can be implied that depending on the MIME type of data, whether it is image/jpeg or audio/midi, a corresponding application program must be automatically started to present the data),

reading an IP address of a service server specified by the application program starting message, wherein the service server corresponds to the specified type of service (Riikonen, [0009], “a URL in a SIP message”);

accessing the service server (Riikonen, [0008-0009]); and

receiving service data of the specified type of service from the service server (Riikonen, [0008-0009]).

Claim 13 lists elements that can all be found in claim 1. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 13**.

Regarding claim 8, Riikonen disclosed a method of providing service data to a mobile terminal in a mobile communication system, the mobile terminal having a data terminating function, the method comprising the steps of:

receiving a request for data transmission to the mobile terminal from at least one service server (Riikonen, [0006-0010] and [0023-0025]);

generating an application program starting message for running one of at least one application program stored in the mobile terminal on the basis of the type of service data to be provided from the service server, wherein the application program starting message specifies a type of service data to be provided from the service server and an IP address of the service server (Riikonen, [0006-0010] and [0023-0025]);

transmitting a call establishment signal requesting data termination to the mobile terminal, wherein the call establishment signal allows transmission of the generated application program starting message to the mobile terminal (Riikonen, [0006-0010] and [0023-0025]);

transmitting the application program starting message to the mobile terminal through a traffic channel, the traffic channel being formed upon the selection of data termination at the mobile termination at the mobile terminal (Riikonen, [0006-0010] and [0023-0025]); and

connecting the service server to the mobile terminal upon request by the mobile terminal and in accordance with the IP address of the service server for transmission of service data from the service server to the mobile terminal (Riikonen, [0006-0010] and [0023-0025]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2-7, 12 and 14-18** are rejected under 35 U.S.C. 103(a) as being obvious over Riikonen as applied to claims 1, 8 and 13 above, in view of Anjum et al. (US 2001/0028654, hereinafter "**Anjum**").

Regarding claims 2 and 14, Riikonen disclosed the method of claims 1 and 13.

Riikonen did not explicitly disclose but Anjum disclosed that the establishment of the data call is performed when a data terminating function is selected (Anjum, [0038] disclosed that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated).

One of ordinary skill in the art would have been motivated to combine Riikonen and Anjum because both disclosed using SIP to send media data (Riikonen, [0006-0009]; Anjum, [0039]).

Therefore, it would have been obvious for one to apply Anjum's teaching to Riikonen to obtain the predictable result of establishing a session in Riikonen's system when a data terminating function is selected.

Regarding claims 3 and 15, Riikonen disclosed the method of claims 1 and 14.

Riikonen did not explicitly disclose but Anjum disclosed determining whether or not an appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal (Anjum, [0035] discloses that a terminal component is implemented as a software component (e.g. a JavaBean) that is analogous to (or, depending upon the service, could in fact actually be) a Web applet. It is a common knowledge to one skilled in the art that a web applet exists in a memory of the terminal device).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claims 4 and 16, the combination of Riikonen and Anjum disclosed the method of claims 3 and 15.

Riikonen further discloses that the application program starting message includes:
a header for determining whether or not a received message is an application program starting message (Riikonen, [0024-0025]);
type of service information (Riikonen, [0007] and [0024-0025]);
type of transmission data information (Riikonen, [0007]);
service server access information and service server access protocol information (Riikonen, [0008-0010] and [0024-0025]);

Regarding claim 5, the combination of Riikonen and Anjum disclosed the method of claim 1.

Riikonen did not explicitly disclosed but Anjum disclosed that the application program starting message is received through a traffic channel formed in response to establishment of the data call (Anjum, [0039] discloses using SIP as the call establishment protocol; In SIP, a traffic channel is established at the default port 5060 or a user requested port).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claims 6 and 17, the combination of Riikonen and Anjum disclosed the method of claims 5 and 16.

Riikonen further disclosed that the invoked application program attempts to access an application program starting server (Riikonen, [0009] and [0024-0025]).

Regarding claims 7 and 18, the combination of Riikonen and Anjum disclosed the method of claims 3 and 16.

Riikonen did not explicitly disclose but Anjum disclosed that the method comprises the steps of: originating an absence message when no appropriate application program corresponding to the application program starting message exists in the memory of the mobile terminal; and ending a call connection (Anjum, Fig. 7 and [0039] discloses the “415: Unsupported Media” message sent by the called party to indicate the absence of a resource corresponding to the media).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claim 12, Riikonen disclosed the method of claim 8.

Riikonen did not explicitly disclosed but Anjum disclosed that the steps of: receiving an absence signal from the mobile terminal, indicating that no appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal; and transmitting a download request message to the mobile terminal, requesting that the mobile terminal download an appropriate application program (Anjum, Fig. 7 and [0039] discloses the “415: Unsupported Media” message sent by the called party to indicate the absence of a resource corresponding to the media, to which message the caller replies with an INVITE containing the URL of the service provider).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

3. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being obvious over Riikonen as applied to claim 8 above, in view of Lazaridis et al. (U.S. 7,076,244, hereinafter “**Lazaridis**”).

Regarding claim 9, Riikonen disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes a stock server in which stock data are stored.

However, in the same field of endeavor, Lazaridis disclosed in column 2, lines 34-41 a content server 10a that provides information such as stock prices, i.e., a stock server.

One skilled in the art would have been motivated to combine Riikonen and Lazaridis because both disclosed delivering media data to a mobile device.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Lonnfors and Lazaridis so that the service server includes a stock server in which stock data are stored.

Regarding claim 10, Riikonen disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes an advertisement server in which advertisement data are stored.

However, Lazaridis disclosed the in Fig. 1 an advertising servers 10b as the content server that provides ad information to mobile devices.

The rationale for combining Riikonen and Lazaridis is the same as that provided in the rejection of claim 9.

Regarding claim 11, Riikonen disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes a messenger server for providing an instant message service.

However, Lazaridis discloses in column 2, lines 34-41 that the content server 10a in Fig.1 provides information such as instant messaging information, which impels that the content server can be a messenger server.

The rationale for combining Riikonen and Lazaridis is the same as that provided in the rejection of claim 9.

Conclusion

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shirley X. Zhang/
Examiner, Art Unit 2444
11/19/2008

/Paul H Kang/
Primary Examiner, Art Unit 2444